

321 CMR: DIVISION OF FISHERIES AND WILDLIFE.

321 CMR 3.00: HUNTING.

3.02: HUNTING, PARTICULAR GAME.

(1) Hunting of Bear. In accordance with the authority vested in M.G.L. c. 131, § 5, an annual open season for the hunting of black bear in Massachusetts is established, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(1) and unless the context requires otherwise, the following words and phrases shall have the following meanings:

Bait means any natural or artificial substance, including but not restricted to, shucked or unshucked corn or other grains, apples or other fruits or vegetables, honey, molasses, anise or other spices, pastries or other breadstuffs, meat or fish products, or any other substances or products which may be fed upon, ingested by, or which otherwise constitute a nutritive attraction or enticement to bear.

Baited area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the September portion of the bear season as provided in 321 CMR 3.02(1)(b) to 12:00 noon on the day following the close of the ~~November~~ **December** portion of the bear season as provided in 321 CMR 3.02(1)(b), all days inclusive.

Baiting means the placement, exposing, depositing, distributing, or scattering of any bait or other substance so as to constitute for bears a lure or attraction to areas where hunters are attempting to take them.

Bow and Arrow means a bow and arrows of the type and design specified for the hunting of deer, bear, and wild turkey pursuant to 321 CMR 3.01(3).

Director means the director of the Division of Fisheries and Wildlife, as specified in M.G.L. c. 21, § 7F through 7G, or his agent.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

(b) Open Season: The open season shall be in ~~two~~ **three** periods as follows:

1. Beginning the first Tuesday ~~in September~~ **after Labor Day** and ending on the third Saturday thereafter, all days inclusive, and, ~~in addition,~~

2. Beginning the third Monday in November and ending the following Saturday, all days inclusive, **and,**

3. Beginning the first Monday after Thanksgiving and ending the second Saturday thereafter.

(c) Hunting Hours: A person shall not hunt black bear on any day during the open season except during the period between ½ hour before sunrise and ½ hour after sunset, except on wildlife management areas as provided in 321 CMR 3.01(1)(n) where the hunting hours shall be from sunrise to sunset.

(d) Zone: Black bears may be hunted in ~~Berkshire, Franklin, Hampden, Hampshire, and Worcester counties~~ **wildlife management zones 01 through 09** only.

(e) Bag Limit: A person shall not kill more than one black bear in any calendar year.

(f) Permit: A person shall not hunt, kill, or possess a black bear unless he possesses on his person a permit from the Director so to do. A person killing a black bear shall immediately, before transporting or removing the carcass in any manner from where it was killed, complete and attach to the carcass in a conspicuous manner that portion of the permit, hunting license, or equivalent document, designated "bear tag". Said bear tag shall remain attached to the bear until the bear is presented to a duly authorized person or checking station. At this time, both the bear tag and the remainder of the permit shall be surrendered upon request to the official agent in charge thereof. No person shall possess a detached bear tag except as affixed to a bear as described in 321 CMR 3.02(1)(f). Tags detached except as provided herein shall be void and shall be surrendered to any officer empowered to enforce M.G.L. c. 131 and 321 CMR.

(g) Transportation: A person shall not have in his possession or under his control in any motor vehicle or otherwise transport the carcass of a bear unless such carcass is open to view, provided that after the bear is tagged with an official seal in accordance with 321 CMR 3.02(1)(h) below, the bear may be concealed.

(h) Checking Station: Within 48 hours after killing a black bear, the entire carcass shall be presented by the person killing same to a duly authorized person or bear checking station designated by the Director for the purpose of being recorded and examined for research purposes and having affixed thereto an official seal in such manner as prescribed by the Director. For the purpose of 321 CMR 3.02(1)(h), jurisdiction for violations of the prescribed procedure shall be that jurisdiction where said carcass was possessed after the expiration of 48 hours from the time said black bear was killed. The official seal shall remain affixed to the black bear until the animal is skinned, cut up, or otherwise prepared for food purposes or for mounting by a taxidermist. Seals shall be non-transferable and shall be valid only for the bear or carcass to which applied by a designated Division of Fisheries and Wildlife representative.

(i) Hunting Implements:

1. During that period of the open season beginning the first Tuesday in September and ending on the third Saturday thereafter, a person may hunt black bear only by means of: a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber; or a revolver chambered to take .357 Magnum

cartridges, using only .357 Magnum cartridges, or a revolver chambered .40 caliber or larger.

2. During that period of the open season beginning the third Monday in November and ending the following Saturday, a person may hunt black bear only by means of a bow and arrow; or a rifle .23 caliber or larger; or a muzzle-loading firearm, fired from the shoulder and not less than .44 caliber nor greater than .775 caliber.

3. During that period of the open season beginning the first Monday after Thanksgiving and ending on the second Saturday thereafter, a person may hunt black bear only by means of a bow and arrow; or a shotgun not larger than ten gauge, including shotguns with a rifled bore; or by means of a muzzle-loading firearm, fired from the shoulder, .44 to .775 caliber.

(j) Hunter Orange: During that period of the open season specified in 321 CMR 3.02(1)(b)3., a person hunting black bear, or entering the fields, woodlands, or wetlands of the state for the purpose of hunting black bear, shall wear in a conspicuous manner on his or her chest, back and head, a minimum of 500 square inches of clothing or material of a hunter orange color as defined by the Director pursuant to 321 CMR 3.01(2).

(k) Prohibited:

1. to make, set or use any trap or other device for the purpose of ensnaring, trapping, taking, injuring, or killing a black bear;

2. to hunt or attempt to hunt black bear by baiting;

3. to hunt or pursue or attempt to hunt or pursue black bear with dogs, except as provided in 321 CMR 2.02;

4. to use or possess while black bear hunting or while accompanying a black bear hunter during any period of the open season as described in 321 CMR 3.02(1)(b), any radio-telemetry transmitter or receiver, including directional antennas, or any other electronic device designed or intended or adapted for the emitting of an electronic signal. Transmitters, receivers, or antennas carried by or under the control of a person hunting black bear shall be prima facie evidence of a violation of 321 CMR 3.02(1)(k). No person shall, except under permit from the Director pursuant to M.G.L. c. 131, §§ 4 or 23, at any time possess alive any bear, or use at any time any radio- telemetry transmitter, receiver, or similar device with the intent to locate any bear. Nothing in 321 CMR 3.02(1)(k) shall be construed to prohibit the use of possession of citizen's band radios or cellular telephones used for verbal communication with other persons.

Regulatory Authority: M.G.L. c. 131, § 5.